

STATEMENT OF
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BEFORE THE

UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

November 16, 2006

CONCERNING

S. 3636 – Washington County Growth and Conservation Act of 2006; and
S. 3772 – White Pine County Conservation, Recreation, and Development Act of
2006

Mr. Chairman and members of the Subcommittee:

Thank you for the opportunity to provide the Department's views on the bills which are on the agenda today. I will limit my remarks to the provisions of each bill related to National Forest System lands and will defer to the Department of the Interior on provisions relating to the lands managed by the Bureau of Land Management.

S. 3636 – Washington County Growth and Conservation Act of 2006

This bill pertains to various aspects of Forest Service (FS) and Bureau of Land Management (BLM) lands in Washington County, Utah. It would authorize conveyance of BLM lands and provide for the distribution of the proceeds for various public purposes described in the bill including implementation of provisions of the legislation. The bill would establish new wilderness areas, including 2,642 acres of National Forest System land as the Cottonwood Forest Wilderness, provide for trail maintenance, travel management planning, and conservation projects, establish the High Desert Off-Highway Vehicle Trail, and prescribe certain management objectives in wilderness areas designated in this bill.

The Department does not oppose the proposed designation of approximately 2,642 acres of National Forest System Land as a component of the National Wilderness Preservation System to be known as "Cottonwood Forest Wilderness," although we have concerns regarding some of the bill's provisions.

The Department does not oppose this wilderness designation. The area is scenic, rugged, and has a rich diversity of narrow canyons that provide the public with excellent opportunities for solitude and primitive recreational experiences. The area is also special by virtue of its location adjacent to a desert tortoise reserve. In addition, the area is contiguous to BLM land that would be designated as the “Cottonwood Canyon Wilderness.” However, while the Dixie National Forest has determined that the area is suitable for wilderness, it expects to recommend that the area be managed as “Backcountry Area” in its proposed revision to the forest plan. The proposed management scheme differs from wilderness because it would allow a mix of motorized and non-motorized recreation to take advantage of the unique recreation opportunities that exist in the area.

The Department also requests an amendment to the bill to correct an error in Title II—Wilderness Areas. The bill defines the term “Secretary” as the Secretary of the Interior. Accordingly, under section 202(a), the Secretary of the Interior would manage the area of National Forest System lands designated as the “Cottonwood Forest Wilderness” by section 201(a)(5).

The bill includes various provisions regarding management within wilderness. The Department prefers to follow the provisions of the Wilderness Act of 1964 in administering wilderness. For example, the Department objects to section 202(d)(4)(B), which would remove the President’s discretion to authorize water resource development projects in wilderness, as provided in the Act. The Department also objects to the provisions in section 206(c), which would permanently authorize the State’s use of aircraft in wilderness for wildlife management purposes, and 206(d), which would authorize wildlife water development projects. The Forest Service currently subjects proposed uses in wilderness to review on a case-by-case basis, allowing for cooperatively working with partners to balance use in compliance with the Act.

Section 206(f) would direct the Secretaries to enter into a cooperative agreement under which the State or designee of the State would carry out wildlife management activities in wilderness areas designated by this title. The Department does not oppose this provision. The Forest Service has recently signed a cooperative agreement with the Association of Fish and Wildlife Agencies and the Bureau of Land Management that outlines policies and guidelines for fish and wildlife management in wilderness areas, including protocols for managing nonconforming uses (titled “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” and dated June 2006). It demonstrates a common understanding between the States and Federal agencies. The agreement also allows for similar State-specific agreements if needed. The Department believes that this national agreement provides a mutually agreed upon method to address management issues, and it would be our preference to develop any State agreement in accordance with it to maintain a consistent approach.

Section 501 would direct the Secretaries to jointly complete a travel plan that identifies routes for the High Desert Off-Highway Vehicle Trail, would require the Secretaries to jointly designate the trail after the completion of the travel plan, and would direct the development of a management plan, and monitoring of the trail. The Department does

not oppose the trail designation, although it is concerned about the costs of repairing and constructing the trail. Work on this trail has not been a priority for the Forest. The Department is also concerned about the requirement to develop a management plan. The Forest is conducting forest-wide travel management planning to be completed in 2007. The management plan required by the bill could be duplicative of the current travel management planning process and could circumvent that process which would take into account public comment and balancing interests to provide an integrated plan for the forest as a whole.

S. 3772 – White Pine County Conservation, Recreation, and Development Act of 2006

S. 3772 is a complex land management bill with multiple provisions related to Forest Service and Bureau of Land Management (BLM) lands in White Pine County, Nevada. The provisions related to the Forest Service include establishment and expansions of, and adjustments to designated wilderness areas, resulting in nearly 260,000 acres of new National Forest wilderness with associated management prescriptions.

S. 3772 would transfer 117, 528 acres of land surrounding Great Basin National Park from the FS to the BLM. It would transfer an unknown number of acres from the Forest Service to the State of Nevada for expansion of Cave Lake State Park. The bill authorizes a study for potential creation of the Silver State Highway Off-Highway Vehicle Trail and also establishes the Great Basin National Heritage Route. It amends the Southern Nevada Public Land Management Act (SNPLMA) to provide funding to carry out research and landscape restoration projects related to the Great Basin Restoration Initiative.

The Department recognizes that the bill's sponsors have conducted extensive outreach and worked with several communities of interest in developing the various titles in the bill. Our comments follow in order of the titles.

Title I relates to disposal of BLM lands, and we defer to the Department of the Interior on this and other provisions related to the BLM.

Title II would designate 259,908 acres of wilderness on National Forest System lands: five new wilderness areas totaling 240,713 acres, and expansion and adjustments to two existing wilderness areas totaling 19,195 acres. The Department generally supports the wilderness designations, although we have concerns that some of the boundaries would make the areas difficult to manage and could result in conflicts between motorized and non- motorized users. These areas include those that have pass-through and "cherry-stemmed" roads, that have small "islands" of land surrounded by wilderness, that lack wilderness characteristics, and that split administration between Forest Service and BLM.

We would like to work with the committee and bill sponsors to modify the proposed boundaries to better align with administrative boundaries, to preserve wilderness characteristics, and to reduce the potential for conflicts between motorized and non-motorized users.

Sections 205, 206, and 207 include various wilderness management provisions. For the most part, these are standard provisions the Department does not object to. However, the Department objects to section 204(d)(5)(B), which would remove the President's discretion to approve water resource development in wilderness, as provided in the Wilderness Act of 1964.

The Department also does not support section 209(c) regarding use of aircraft and section 209(d) regarding water development projects in wilderness for wildlife management. The current approach to aircraft landings in wilderness subjects proposed aircraft landings to review and approval on a case-by-case basis, which allows the Department to work cooperatively with partners to balance use in compliance with the Wilderness Act of 1964. In similar fashion, the Department should have the discretion whether to review and approve any potential water development structure or facility prior to installation. This approach provides for efficient administration of the National Wilderness Preservation System and is consistent with the recently revised document "Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness", approved by the Forest Service, Bureau of Land Management, and the Association of Fish and Wildlife Agencies in June 2006.

Section 209(f) references a cooperative agreement between the State of Nevada and the Bureau of Land Management regarding wildlife management activities in wilderness areas designated in the bill. Portions of this agreement are not consistent with Forest Service wilderness management policy, and the Forest Service is not a party to this agreement. Thus, the Department objects to this provision. The Forest Service would prefer to continue to work cooperatively with others under the above-referenced Policies and Guidelines document, which was amended in June 2006.

Title III would transfer administrative jurisdiction over 117,528 acres from the Forest Service to the BLM. This transfer would consolidate the administration of land surrounding Great Basin National Park from two agencies to one, eliminating a ring of National Forest System land surrounding Great Basin National Park, which is in turn surrounded by BLM lands. The current situation makes the lands difficult to manage because of inconsistent management objectives, and is a source of some confusion to the public. The transfer would allow for a continuation of current uses under existing permits or cooperative agreements.

Although the Department generally does not support the transfer of National Forest System lands without compensation or reciprocity, in this case the transfer makes sense from an administrative standpoint. Because the transfer will provide for consistent management under continued Federal stewardship with continuation of existing uses, the Department does not object to it.

For similar reasons, the Department would ask the bill sponsors and the Committee to consider two additional transfers of administrative jurisdiction from the BLM to the Forest Service to consolidate the administration of proposed Bald Mountain and Mount Moriah wilderness additions. The transfer would result in land boundaries that are easier

to survey and manage. We would like to work with the Committee and the bill's sponsors on amendments to further this idea.

Title IV would convey National Forest System land to the State of Nevada for no consideration to expand Cave Lake State Park. The amount of acreage is left blank in the bill text. The benefits of this transfer are not apparent. The Department opposes the transfer of land to the State for no consideration.

Title V authorizes both Secretaries to study routes for the Silver State Off-Highway Vehicle Trail. The majority of this proposed route would cross Bureau of Land Management lands, and we support working with that agency on the study. We defer to the Department of the Interior regarding additional statements concerning the earmarking land sale funds to pay for the construction of the trail.

Title VI would transfer land from the BLM to be held in trust by the United States for the benefit of the Ely Shoshone Tribe. The Department defers to the Department of the Interior on this provision.

Title VII would authorize funding through the SNPLMA to support the Eastern Nevada Landscape Restoration Project, which would restore rangeland and other land, including reducing hazardous fuels, in White Pine and Lincoln Counties. It would also authorize grants to and cooperative agreements with the Eastern Nevada Landscape Coalition and the Great Basin Institute for the study and restoration of these lands. We defer to the Department of the Interior regarding this Title.

The Department fully supports efforts to restore landscapes, using scientific study to determine the most effective approaches to restoration and utilization of woody biomass. A number of efforts are currently focused toward this end, including those by the Forest Service's Fire Science Laboratory in Missoula Montana, the Forest Service Rocky Mountain Research Station, and the interagency Joint Fire Science Program.

Title VIII would authorize the expanded use of funds in the special account established under SNPLMA. The Department defers to the Department of the Interior regarding the proposed changes to SNPLMA. In general, the Administration opposes changes to current land sale authorities that do not ensure a significant portion of those proceeds are returned to the Treasury to benefit all taxpayers.

Title IX would establish the Great Basin National Heritage Route. We note that this section is now part of Public Law 109-338, enacted into law on October 12, 2006. For this reason, we recommend that Title IX be removed from the bill. We look forward to working with the National Park Service and the local coordinating entity on implementing this Heritage Route, particularly where it concerns National Forest System lands.

Thank you for the opportunity to discuss both S. 3636 and S. 3773. I am happy to answer any questions that you have at this time.